

**REMARKS**

The Office Action rejected claims 2-15 based on 35 U.S.C. Section 102 (e) as being anticipated by published U.S. Pat. Application No. 2004/0111099-A1 (Nguyen et al.). The Office Action was made final.


Applicants respectfully submit that the finality of the most previous office action is clearly premature and should be withdrawn. In an Office Action dated 12/23/03, claim 11 of this case was indicated as being allowable. In a response dated June 24, 2004, claim 11 was placed in independent form. As a result, it was clear error for the most recent Office Action to reject claim 11, and to make the Office Action final. Applicants herein petition for the reversal of this finality determination.

Applicants respectfully traverse the rejection based on 35 U.S.C. Section 102 (e). Applicants note that there are common inventors on the present application and U.S. Published Application No. 2004/0111099-A1. These applications are commonly owned.

If the Examiner is not persuaded to withdraw the rejection based on the '099 publication, applicants herein offer to claim priority to that application. There is continuity of prosecution and common inventors between the two applications. As a result, purely to expedite prosecution of this application, and not as an admission as to whether the '099 publication should be cited against the present claims, applicants herein offer to claim priority to that application.

A petition for a two-month extension of time also accompanies this response. Please charge \$450.00 to Deposit Account No. 13-2546 for the two month extension of time. Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully Submitted,

  
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